

S.R. 414 - By Schwartz: Extending congratulations to St. Mary's Hospital of Galveston.

S.R. 417 - By Farabee: Extending congratulations to Big Spring, Texas.

S.R. 418 - By Doggett: Extending welcome to Reverend David Hall.

S.R. 419 - By Doggett: Extending welcome to Reverend Floyd Vick.

S.R. 420 - By Schwartz: Extending congratulations to Land Commissioner Bob Armstrong.

ADJOURNMENT

On motion of Senator Moore the Senate at 4:48 o'clock p.m. adjourned until 10:30 o'clock a.m. Tuesday, April 17, 1979.

FIFTY-THIRD DAY (Tuesday, April 17, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

A quorum was announced present.

The Reverend Dr. Charles L. Cockrell, First Baptist Church, Garland, offered the invocation as follows:

Holy Father, our hearts are filled with joy because of the multitudinous blessings Thou hast given unto us.

We thank Thee for Thy love and sustaining grace.

God, grant these Senators wisdom and spiritual guidance in all of their deliberations.

For it is in Thy name we pray - Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 11, 1979, was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
April 17, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HCR 159 In memory of Gerald D. (Jerry) Butler, former member of the House of Representatives.

HB 329, A bill to be entitled An Act relating to the clarification, revision, and amendment of the Texas Probate Code and the amendment of certain other statutes that relate to probate.

HB 500, A bill to be entitled An Act relating to office hours of certain officials involved with the administration of elections.

HB 508, A bill to be entitled An Act relating to the operation of public schools on a semester basis.

HB 532, A bill to be entitled An Act relating to work requirements for unemployment compensation benefits.

HB 726, A bill to be entitled An Act relating to air quality control.

HB 784, A bill to be entitled an Act relating to the composition of the Texas Department of Mental Health and Mental Retardation.

HB 875, A bill to be entitled An Act relating to the reimbursement paid to a nonresident witness in a criminal case for travel and living expenses.

HB 1012, A bill to be entitled An Act relating to the confidentiality of certain information derived from the administration of cigarette tax, franchise tax, sales tax, and tobacco tax; amending Articles 7.25, and 12.10 and Subdivision (1), Section (G) of Article 20.11, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, and adding Article 8.32.

HB 1275, A bill to be entitled An Act relating to certain evidence of a conviction of driving while intoxicated or driving while under the influence of drugs.

HB 1491, A bill to be entitled An Act relating to the issuance of certificates of obligation to finance construction of a jail.

HB 1510, A bill to be entitled An Act relating to the use of unmanned teller machines by certain financial institutions; providing a penalty.

HB 1521, A bill to be entitled An Act relating to interpreters for deaf individuals for administrative and judicial proceedings.

HB 1606, A bill to be entitled An Act relating to the exercise by attorneys at law of authority now exercised by notaries public; providing for severability; and declaring an emergency.

HB 1692, A bill to be entitled An Act relating to the appointment of county auditors in certain counties.

HB 1732, A bill to be entitled An Act relating to the setting of salaries, expenses, and allowances for certain county officers.

HB 1832, A bill to be entitled An Act relating to registration of certain farm vehicles used temporarily on highways.

HB 2123, A bill to be entitled An Act relating to nonresident employers, service of process; amending Section 2a of Article 8306, Revised Civil Statutes of Texas, 1925, as amended.

HB 2124, A bill to be entitled An Act relating to the definition of doing business in this state; amending Section 4 of Article 2031b, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 74 Relating to the defense of certain suits against peace officers employed by an incorporated city or town or a special purpose district. (With amendments)

S.B. 153 Relating to the authority to create mutual trust investment companies.

S.B. 213 Authorizing the board of regents of Texas Tech University to convey certain property. (With amendment)

S.B. 310 Relating to dissolution of certain Water Control and Improvement Districts where the Districts lie within two or more cities and in unincorporated territory; amending Sections 1, and 2, Chapter 228, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 1182c-5, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

S.B. 606 Relating to the prepayment of initial year franchise tax; amending Article 12.06, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended. (With amendments)

S.B. 744 Relating to assignment pay for certain firefighters.

LOCAL AND CONSENT CALENDAR

HB 1572, A bill to be entitled An Act relating to types of insurance that may be required for pleasure boats and yachts which are documented with the United States Coast Guard.

HB 1587, A bill to be entitled An Act relating to hunting blinds for the taking of waterfowl on or near Caddo Lake; providing a penalty.

HB 1590, A bill to be entitled An Act relating to fees collected by district clerks.

HB 1627, A bill to be entitled An Act relating to the use of nets and seines in certain water in Anderson and Cherokee counties.

HB 1672, A bill to be entitled An Act relating to an exemption of building contractors who install smoke or fire detectors in residences from the Private Investigators and Private Security Agencies Act.

HB 1781, A bill to be entitled An Act amending Article 1269j-44, Vernon's Texas Civil Statutes, as amended, by adding a Section 6a thereto so as to authorize certain cities and towns owning sea life parks and oceanariums to abandon such use upon certain findings and authorizing the sale or lease thereof for other purposes, subject to certain conditions.

HB 1787, A bill to be entitled An Act relating to the assignment of certain retired judges of domestic relations courts to sit in certain courts; and declaring an emergency.

HB 2024, A bill to be entitled An Act relating to change of name on voter registration.

HB 2153, A bill to be entitled An Act relating to the approval of the Commissioners Court of Comal County of hunting and fishing regulations.

HB 2161, A bill to be entitled An Act relating to annexation of land by the Lamar County Water Supply District.

HB 7, A bill to be entitled An Act relating to notice of certain insurance rate and coverage changes; amending the Insurance Code, as amended, by adding Article 21.53.

HB 302, A bill to be entitled An Act relating to vehicle registration and parking privileges for disabled persons.

HB 435, A bill to be entitled An Act relating to notification of appointment as an election judge.

HB 544, A bill to be entitled An Act relating to recounts of paper ballots.

HB 559, A bill to be entitled An Act relating to conditions for sale of certain public land.

HB 637, A bill to be entitled An Act relating to a change of the name of the Texas Commission on the Arts and Humanities.

HB 719, A bill to be entitled An Act relating to certification requirements for peace officers; amending Subsection (b), Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes).

HB 777, A bill to be entitled An Act relating to the purchase of postage stamps and postcards for state agencies.

HB 848, A bill to be entitled An Act relating to membership in the Teacher Retirement System of Texas by persons participating in the optional retirement program.

HB 859, A bill to be entitled An Act relating to the use of gratuities in determining wages for purposes of unemployment compensation.

HB 987, A bill to be entitled An Act relating to creation of the County Court at Law of Val Verde County.

HB 993, A bill to be entitled An Act relating to coverage of certain persons under the state employee insurance plan.

HB 1106, A bill to be entitled An Act relating to maintenance of records by the State Department of Highways and Public Transportation.

HB 1115, A bill to be entitled An Act relating to the acquisition and use of facilities by the Alcoholic Beverage Commission.

HB 1123, A bill to be entitled An Act relating to granting the power of eminent domain to the Texas Southern University Board of Regents.

HB 1245, A bill to be entitled An Act relating to election of the boards of commissioners of the Brazoria County Drainage District Number 5 and the Brazoria County Drainage District No. 8.

HB 1297, A bill to be entitled An Act relating to policy forms, endorsements, and a gross premiums tax for aircraft insurance.

HB 1293, A bill to be entitled An Act relating to county parks; amending Section 1, Chapter 7, Acts of the 55th Legislature, 1st Called Session, 1957, as amended (Article 6079e, Vernon's Texas Civil Statutes); and declaring an emergency.

HB 1301, A bill to be entitled An Act relating to timely mailing of annual statements treated as timely filing; amending Article 1.11, Insurance Code, as amended, adding an additional paragraph; and declaring an emergency.

HB 1318, A bill to be entitled An Act relating to employee benefit plans, including employee stock option plans, restricted stock option or bonus plans, stock bonus plans, or other plans, for employees of state banks.

HB 1414, A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act to Lake Limestone in Leon County.

HB 1422, A bill to be entitled An Act relating to the importation of liquor for personal use.

HB 1427, A bill to be entitled An Act relating to fishing in McMullen County; and providing penalties.

HB 1453, A bill to be entitled An Act relating to compensation of the board of directors of the Green Belt Municipal and Industrial Water Authority.

HB 1457, A bill to be entitled An Act relating to the leasing of Relinquishment Act land for oil and gas when the owner of the soil is unknown or unavailable to do so as agent for the state; conferring upon the Commissioner of the General Land Office authority to determine when an owner of the soil is unknown or unavailable; conferring upon the School Land Board authority to lease such land for oil and gas; prescribing the procedure for such leasing; amending the Natural Resources Code by adding Section 52.186; and declaring an emergency.

S.B. 50 Relating to the administration and authority of the Edwards Underground Water District.

S.B. 214 Relating to medical malpractice coverage for the medical staff and students of the Texas Tech University School of Medicine at Lubbock; amending Sections 1, 2(1) and (3), 3(a) and (c), and 7, Chapter 9, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-26a, Vernon's Texas Civil Statutes). (With amendments)

S.B. 229 Relating to the creation, establishment, administration, maintenance, operation, and financing of the Chillicothe Hospital District of Hardeman County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 496 Authorizing the creation of a hospital district in accordance with the provisions of Article IX, Section 9, of the Texas Constitution, to be known as the Sugar Land Community Hospital District; defining its purposes; providing for its administration, operation, maintenance, financing, and powers; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency.

S.B. 583 Relating to hunting turkey in Foard County.

S.B. 707 Relating to death benefits paid to survivors of members of the Judicial Retirement System; amending Subsection a-1 of Section 2, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

S.B. 714 Relating to the fees charged for the inspection of boilers; amending Section 11a, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 717 Authorizing the Comptroller to accept federal monies for agencies upon compliance with state and federal laws; amending Article 4344, Revised Civil Statutes of Texas, 1925.

S.B. 971, Repealing Chapter 464, Acts of the 55th Legislature, Regular Session, 1957 (Article 7298a, Vernon's Texas Civil Statutes), which authorizes the Comptroller of Public Accounts of Texas to hold a conference for county tax assessor-collectors and to pay for the travel expenses of local officials to the conference; and declaring an emergency.

S.B. 640 Relating to extension of the date policies may be issued under the Texas Medical Liability Insurance Underwriting Association Act.

S.B. 993 Relating to the production and sale of hydroelectric energy or power by the Trinity River Authority of Texas.

RESOLUTIONS CALENDAR

S.C.R. 21 Requesting the State Board of Insurance to examine the critical problems that elderly and handicapped persons encounter in trying to obtain insurance coverage. (With amendments)

S.C.R. 22 Requesting Public Utility Commission hold public hearings on problems resulting from unsolicited commercial telephone calls.

HCR 28, Memorializing Congress to initiate an amendment to the constitution to provide for the election of federal district court judges by the people of the district for six-year terms.

SCR 38 Congratulating the Texas Department of Health on 100th anniversary.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 795 LAID ON TABLE SUBJECT TO CALL

On motion of Senator Vale and by unanimous consent, **S.B. 795** was Laid on Table Subject to Call.

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 897

S.B. 51

REPORTS OF STANDING COMMITTEES

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 498 (Amended)

S.B. 1234

S.C.R. 67

S.B. 1209

S.B. 806

H.B. 434

H.B. 923

H.B. 805

S.B. 1217

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 956

C.S.S.B. 868 (Read first time)

C.S.S.B. 867 (Read first time)

SENATE BILLS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1250 by Brooks

Jurisprudence

Relating to conjugal visitation of prison inmates.

S.B. 1251 by Traeger

State Affairs

Relating to the authority of the governor to transfer programs of certain offices and agencies to other agencies. (Submitted by Governor as an emergency.)

S.B. 1252 by Traeger

State Affairs

Relating to the commercial production of wine.

S.B. 1253 by Andujar State Affairs
 Relating to the governor's authority to designate the chairmen of state boards and commissions. (Submitted by Governor as an emergency)

S.B. 1254 by McKnight, Moore Finance
 Making a supplemental appropriation to the Treasurer's office. (Submitted by Governor as an emergency)

S.B. 1255 by Jones of Taylor Jurisprudence
 Relating to access to the criminal record or history of a client or an applicant for services by the Texas Rehabilitation Commission.

S.B. 1256 by Jones of Taylor Jurisprudence
 Relating to state liability for and defense of causes of action against certain officers, employees, and medical, psychological, or psychosocial consultants.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.J.R. 51, To Committee on Economic Development.
H.J.R. 54, To Committee on Jurisprudence.
H.B. 442, To Committee on State Affairs.
H.B. 838, To Committee on Jurisprudence.
H.B. 845, To Committee on Economic Development.
H.B. 869, To Committee on State Affairs.
H.B. 1071, To Committee on Intergovernmental Relations.
H.B. 1228, To Committee on State Affairs.
H.B. 1241, To Committee on Education.
H.B. 1375, To Committee on Jurisprudence.
H.B. 1444, To Committee on State Affairs.
H.B. 1732, To Committee on Intergovernmental Relations.
H.B. 1521, To Committee on Jurisprudence.

SENATE CONCURRENT RESOLUTION 71

Senator Moore offered the following resolution:

WHEREAS, Roy Grimes served his state and his country as a veteran of World War II, an outstanding newspaperman and political analyst, and a distinguished Texan; and

WHEREAS, There is a desire to plant a tree on the Capitol grounds in memory of Roy Grimes and to place a plaque on the tree to read as follows:

"In memory of Roy Grimes, writer and historian, direct descendant of Jesse Grimes, signer of the Texas Declaration of Independence—

"Presented by wife, Joyce Grimes, and sons, Roy J. and Philip Coe"; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That permission be and is hereby granted for the planting of the memorial tree and the attachment of the memorial plaque and that such planting be under the supervision of and at a location selected by the State Board of Control without any cost to the State of Texas.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moore and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 72

Senator Jones of Harris offered the following resolution:

S.C.R. 72, Requesting the House to return **S.B. 1176** for further consideration.

JONES OF HARRIS
SCHWARTZ

The resolution was read.

On motion of Senator Jones of Harris and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
April 16, 1979

TO THE MEMBERS OF THE SENATE, SIXTY-SIXTH LEGISLATURE,
REGULAR SESSION, STATE OF TEXAS:

Pursuant to Article IV, Section 14 of the Constitution of the State of Texas, I herewith return to you Senate Bill 417 vetoed for the following reasons:

This bill is designed to help truck rate bureaus in a possible law suit with the United States Justice Department. It exempts these rate bureaus from antitrust laws of this state, which I feel in and of itself is bad public policy. This bill is not designed to help the public. The final jurisdiction in rate making cases remains in the hands of the Railroad Commission, with or without this bill, and therefore, in my judgment, this bill is unnecessary. At a time the federal government is moving toward deregulation of various transportation industries it makes little sense to now place into law rate making bureaus that go against the benefits of competitive enterprise.

For these reasons, I exercise my constitutional right to disapprove of this legislation and accordingly, I am returning Senate Bill 417 to the Senate unsigned.

Respectfully,

/s/W. P. Clements, Jr.
Governor

This Message was hand delivered on Monday, April 16, 1979, at 10:50 a.m.

**VOTE ON FINAL PASSAGE OF SENATE BILL 723
RECONSIDERED**

On motion of Senator Jones of Taylor and by unanimous consent, the vote by which **S.B. 723** was finally passed was reconsidered.

Question - Shall **S.B. 723** be finally passed?

SENATE RULE 103 SUSPENDED

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 1732** at 3:00 o'clock p.m. today.

SENATE RULE 103 SUSPENDED

On motion of Senator Doggett and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence, Subcommittee on Civil Matters, might consider **H.B. 1521** at 7:00 o'clock p.m. today.

SENATE BILL 723 ON THIRD READING

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration (Final passage having been reconsidered today):

S.B. 723, Relating to notice of propositions to be submitted on the primary election ballot of a political party.

Question - Shall **S.B. 723** be finally passed?

Senator Jones of Taylor offered the following amendment to the bill:

Amend Senate Bill No. 723 by striking Section 1 and substituting in lieu thereof the following:

SECTION 1. Section 211, Texas Election Code, as amended (Article 13.33, Vernon's Texas Election Code), is amended to read as follows:

211. REFERENDUM ON PLATFORM DEMANDS

Subdiv. 1. No political party in this state which is required to nominate its candidates by primary election shall, in convention assembled, place in the platform or resolutions of the party any demand for specific legislation on any subject, unless the demand for such specific legislation shall have been submitted to a direct vote at the general primary election of such party next preceding the state convention and shall have been endorsed by a majority of all the votes cast in such primary election.

Subdiv. 2. (a) The state executive committee may submit, at the general primary election, any demand for specific legislation on any subject, or any other matter, which may be proposed for inclusion in the platform or resolutions of the party. The state chairman shall give each county chairman written notice of each measure proposed to be included on the party's primary ballot at least 10 days before the meeting of the state executive committee at which the proposal is to be considered. If the notice is delivered by mail, it is considered to be delivered when it is deposited in the mail. The state chairman shall also make

the notice available to the news media. Upon valid ~~[, and upon]~~ petition of five percent of the number of voters who voted ~~[of the party, as shown by the total number of votes cast]~~ for Governor at the party's last preceding general primary, the state executive committee shall submit any such question or questions to the voters at the next general primary.

(b) A petition under Subsection (a) of this subdivision is not valid unless:

(1) the petition contains the requisite number of signatures, and each signature is that of a registered voter;

(2) the petition indicates, opposite each signature, the voter registration number, complete residence address including county, voting precinct number, and date of signing of the signer;

(3) the petition indicates each signer's name in printed form next to or below the signature;

(4) each page of the petition in bold-face type indicates the name of the political party with which the petition is to be filed and the effect of a violation of Subsections (c) and (d) of this subdivision;

(5) each signature is obtained not earlier than 150 days and not later than 30 days before the date of the meeting of the party's state executive committee held under Subsection (i), Section 190, of this code (Article 13.12, Vernon's Texas Election Code);

(6) the petition is filed by delivery to a member of the party's state executive committee not later than the 30th day before the date of the state executive committee meeting referred to by Paragraph (5) of this subsection; and

(7) the petition is accompanied by the bond and deposit required by Subsection (e) of this subdivision.

(c) The signing of the petition constitutes a pledge by the signer that if he or she votes in the next primary election, he or she will vote in the primary of the political party to which the petition is addressed. A violation of this pledge is a Class A misdemeanor.

(d) A person commits an offense if he or she signs a petition and is not a registered voter at the time of signing, signs the same petition more than once, or signs petitions that are to be filed with different political parties for the same general primary. An offense under this subsection is a Class A misdemeanor.

(e) Each petition, when filed, shall be accompanied by a cash deposit of \$1,000 and also a bond. The cash deposit shall be used to defray the expenses of verifying the names on the petition. The bond must be signed by three persons and a corporate surety authorized to do business in Texas. The bond must guarantee that the sureties will reimburse the political party for the expenses incurred by the party in connection with verification of the petition. The amount of verification expense is as determined by the political party.

(f) On the filing of a petition, the state executive committee of the party shall determine its validity.

Subdiv. 3. (a) Venue for an action to enforce this section by injunction or other appropriate remedy is in Travis County.

(b) An action to enforce this section may be brought by any interested party, including a signer of a petition to put a proposal on the general primary ballot, a member of the state executive committee of the affected political party, or a county chairman of the affected political party.

The amendment was read and was adopted by unanimous consent.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then again finally passed.

**COMMITTEE SUBSTITUTE SENATE BILL 219
ON SECOND READING**

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 219, Relating to credit property insurance and credit casualty insurance.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santicsteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Clower, Doggett, Mauzy, Patman, Truan.

The bill was read second time.

Senator Jones of Taylor offered the following amendment to the bill:

Amend **C.S.S.B. 219**, on printing as reported from Committee on Page 1 as follows:

1. Strike the word "all" on line 14;
2. Place a comma after the word "property" on line 16, and;
3. Strike the words "shall be subject" on line 20 and substitute in lieu thereof the words "may be issued pursuant."

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

Yeas: Andujar, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Blake, Braecklein, Clower, Doggett, Mauzy, Patman, Truan.

SENATE RULE 103 SUSPENDED

On motion of Senator Braecklein and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Human Resources might consider **H.B. 548** at 9:00 o'clock a.m. tomorrow.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 22
ON SECOND READING**

Senator Blake moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 22, Relating to unemployment compensation.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 13, Nays 13.

Yeas: Blake, Braecklein, Creighton, Farabee, Howard, Jones of Taylor, McKnight, Meier, Moore, Patman, Snelson, Traeger, Williams.

Nays: Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Ogg, Parker, Santiesteban, Schwartz, Truan, Vale.

Absent: Andujar, Harris, Mengden, Price, Short.

SENATE BILL 755 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 755, Relating to the authority of the Texas Employment Commission to sell and convey certain state-owned land and the disposition of the proceeds.

The bill was read second time and was passed to engrossment.

SENATE BILL 755 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 755** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Andujar, Harris, Mengden, Price, Short.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 754
ON SECOND READING**

Senator Moore asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 754, Relating to the partial exclusion of the Texas Employment Commission from the provisions of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up **C.S.S.B. 754** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Vale, Williams.

Nays: Braecklein, Mauzy, Meier, Truan.

Absent: Short.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Meier, Mauzy and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 754 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 754** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Williams.

Nays: Braecklein, Mauzy, Meier, Truan, Vale.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 811 ON SECOND READING

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 811, Amending Subtitles 2 and 3, Title 79, Interest - Consumer Credit - Consumer Protection, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Chapter 15 relating to revolving lines of credit available from certain creditors; regulating, authorizing, and limiting certain loan contract requirements, provisions, and practices; regulating and limiting interest rates; providing for enforcement by the Consumer Credit Commissioner; providing for penalties; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 17, Nays 13.

Yeas: Andujar, Blake, Brooks, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Meier, Mengden, Parker, Price, Santiesteban, Short, Snelson, Williams.

Nays: Bracklein, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Ogg, Patman, Schwartz, Traeger, Truan, Vale.

Absent: Moore.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
April 17, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE 272ND JUDICIAL DISTRICT OF TEXAS, BRAZOS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

THE HONORABLE JAMES BRADLEY SMITH of Bryan, Brazos County, is being appointed pursuant to Senate Bill No. 173, 66th Legislature, Regular Session.

TO BE A MEMBER OF THE STATE COMMISSION FOR THE DEAF:

For a six-year term to expire January 31, 1985:

MR. STANLEY EUGENE NEELY of Dallas, Dallas County, is replacing Dr. Ralph Guertin of Houston, Harris County, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
Governor of Texas

SENATE RULE 103 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Subcommittee on Nominations might consider the nomination of James Bradley Smith to be District Judge, 272nd Judicial District.

MEMORIAL RESOLUTIONS

H.C.R. 159 - (Patman): Memorial resolution for Gerald D. (Jerry) Butler, former Member, House of Representatives.

S.R. 422 - By Moore: Memorial resolution for Judge Rolla Will Hailey, Sr.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 421 - By Doggett: Extending congratulations to sponsors and participants of the Fourth Annual Cancer Bowl.

S.R. 423 - By Andujar: Extending congratulations to Dr. Bobby G. Smith.

S.R. 424 - By Andujar: Extending congratulations to Mrs. Fred Thompson, Jr.

S.R. 425 - By Clower: Extending welcome to Mrs. Jimmie Tippit.

S.R. 426 - By Clower: Extending welcome to Mr. and Mrs. James Blake Gillen.

S.R. 427 - By Clower: Extending welcome to Reverend Dr. Charles L. Cockrell.

S.R. 428 - By Moore: Extending welcome to Chad A. P. Patschke.

S.R. 429 - By Doggett: Extending welcome to Bob Barker, Mary Barker and Sue Maday.

S.R. 430 - By Clower: Extending welcome to Bob Barker.

S.R. 431 - By Clower: Extending welcome to Sue Maday.

S.R. 432 - By Clower: Extending welcome to Mary Barker.

S.R. 433 - By Vale: Extending congratulations to Dr. Malcolm C. Lancaster.

S.R. 434 - By Clower: Extending welcome to Mrs. Virginia Koogler.

S.R. 435 - By Clower: Extending welcome to Mrs. Jane Dugan.

S.R. 436 - By Clower: Extending congratulations to Mary Gillen.

S.R. 437 - By Clower: Extending welcome to Gay Gillen.

S.R. 438 - By Clower: Extending congratulations to Doug Maday.

ADJOURNMENT

On motion of Senator Moore the Senate at 12:31 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Comptroller

(April 11, 1979)

S.B. 466